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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,¹

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,²

USA SECURITIES, LLC,³
Debtors.

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**NOTICE OF HEARING
REGARDING FIRST OMNIBUS
OBJECTION OF USACM TRUST TO
PROOFS OF CLAIM BASED UPON
INVESTMENT IN CHARLEVOIX
HOMES LOAN; AND CERTIFICATE
OF SERFICE**

Date of Hearing: September 23, 2010
Time of Hearing: 10:30 a.m.
Estimated Time for hearing: 10 min.

**THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM
THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW YOUR
CLAIM AGAINST USACM TO THE EXTENT IT IS BASED UPON AN
INVESTMENT IN THE CHARLEVOIX HOMES LOAN. THIS OBJECTION**

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 WILL NOT AFFECT YOUR RIGHTS AGAINST THE BORROWER AND ANY
2 COLLATERAL THAT SECURED YOUR INVESTMENT. THE USACM TRUST
3 CONTENDS THAT YOU DO NOT HAVE A VALID CLAIM BASED UPON YOUR
4 INVESTMENT IN THIS LOAN BECAUSE YOU TOOK A KNOWN AND
5 OBVIOUS RISK IN MAKING THAT INVESTMENT AND USACM DID NOT
6 GUARANTEE REPAYMENT OF THAT LOAN. THIS OBJECTION WILL NOT
7 IMPACT YOUR CLAIM AGAINST USACM TO THE EXTENT IT IS BASED
8 UPON AN INVESTMENT IN A DIFFERENT LOAN.

9 PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY
10 COURT TO DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS
11 REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM
12 SHOULD BE DIRECTED TO BRANT FYLLING AT SIERRA GROUP
13 CONSULTING, LLC (602-424-7009) OR TO UNDERSIGNED COUNSEL, JOHN
14 HINDERAKER (520-629-4430).

15 NOTICE IS HEREBY GIVEN that the USACM Liquidating Trust, by and
16 through its counsel, has filed its Omnibus Objections to Proofs of Claim Based Upon
17 Investment in the Charlevoix Homes Loan (with Certificate of Service) (the "Objection").
18 Your Proof of Claim number and other information regarding your claim is provided in
19 **Exhibit A**, which is attached to the Objection. The USACM Liquidating Trust has
20 requested that this Court enter an order, pursuant to section 502 of title 11 of the United
21 States Code (the "Bankruptcy Code") and Rule 3007 of the Federal Rules of Bankruptcy
22 Procedure (the "Bankruptcy Rules"), disallowing your Proof of Claim to the extent it is
23 based upon an investment in the Charlevoix Homes Loan. Nor will it affect your rights
24 against the borrower and any collateral that secured your investment. The Objection will
25 not impact your Claim against USACM to the extent it is based upon an investment in a
26 different loan.

NOTICE IS FURTHER GIVEN that the hearing on the Objection will be held before the Honorable Linda B. Riegle, U.S. Bankruptcy Court Judge in the Foley Federal Building, 300 Las Vegas Blvd. South, 3rd Floor, Courtroom No. 1, Las Vegas, Nevada on **September 23, 2010, at the hour of 10:30 a.m.**

NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON SEPTEMBER 23, 2010, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE HEARD ON THAT DATE.

NOTICE IS FURTHER GIVEN that pursuant to Local Rule 9014(d), any response to the objection must be filed and service must be completed no later than fourteen (14) days preceding the hearing date. The opposition must set forth all relevant facts and any relevant legal authority.

If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the Court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the Court, or if you do not serve your written response on the person who sent you this notice, then:

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* and sustain the objection without formally calling the matter at the hearing.

Dated: August 4, 2010.

LEWIS AND ROCA LLP

By s/John Hinderaker (AZ 18024)

Robert M. Charles, Jr., NV 6593

John Hinderaker, AZ 18024 (*pro hac vice*)

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Attorneys for the USACM Liquidating Trust

LEWIS
AND
ROCA
LLP
LAWYERS

Copy of the foregoing mailed by first
class postage prepaid U.S. Mail on
August 4, 2010 to all parties listed on
Exhibit A attached to the objection.

s/Renee L. Creswell
LEWIS AND ROCA LLP